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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,381	02/10/2005	Quentin King	206697	6505
25227	7590	10/24/2006	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/510,381	KING, QUENTIN
	<b>Examiner</b>	<b>Art Unit</b>
	DARYL C. POPE	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 26-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 26-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/10/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because in figures 1 and 2, the boxes need labels.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency.

Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **ART REJECTION:**

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 26-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russek(5,534,851).

-- In considering claims 26-27, the claimed subject matter that is met by Russek includes:

- 1) the plurality of detectors are met by the sensors(10, column 7, lines 15-25);
- 2) the tactile alarm is met by the pagers(16,18,100) which have vibrational annunciators(see: column 8, lines 40-50).

With regards to the tactile alarm being divided into segments corresponding to a different predetermined property, although not specifically shown by Russek, it is stated that the master control display utilizes specific pulse generator(12) that control specific information to be annunciated that alerts a cardiologist(see: 7, lines 45-52). In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate segmented tactile alarms into the pulse generator(12) of Russek, since this would have allowed the pagers to be as specific as possible with regards to the messages intended to be displayed by the pagers.

-- With regards to claim 28, the communication by radio frequency radiation is met(see: column 7, lines 53 et seq).

-- With regards to claim 29, the monitor is met(see: column 7, lines 15-34).

-- With regards to claim 30, the examiner takes Official Notice that in the tactile alarm art, use of strips having a receiver for receiving signals to activate a tactile alarm is well known, and therefore it would have been obvious to one of ordinary skill in the art at the

time the invention was made to incorporate a strip into the pagers of Russek, since this would have provided a well known and inexpensive means for providing signals to the pager for activating the tactile alarm.

-- Claim 31 recites subject matter that is met as discussed in claims 26-27 above.

-- Claims 32-34 recite subject matter that is met as discussed in claims 26-27 above(see: pagers(16,18,100)).

-- With regards to claims 35-36, the self tester is met(see: column 8, lines 22-39).

-- With regards to claim 37, the examiner takes Official Notice that in the tactile alarm art, use of tactile alarms which allow audible and visual alarms to be deactivated so that only a tactile alarm is capable of being activated is well known, and therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the device of Russek, since this would have prevented alerting of a pager to disturb others.

-- Claim 38 recites subject matter that is met as discussed in claims 26-27 above(see: column 7, lines 15-34).

-- Claims 39-53 recite subject matter that is met as discussed in the claims above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MIKE HORABIK can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope  
September 25, 2006

DARYL C POPE  
Primary Examiner  
Art Unit 2612

